REMARKS

In the Final Office Action, the Examiner noted that claims 22-39 are pending in the application and that claims 22-39 stand rejected. By this response claims 29 and 39 are cancelled and claims 28, 33 and 38 are amended to more clearly define the invention of the Applicant and to correct for informalities pointed out by the Examiner and not in response to prior art.

In view of the amendments presented above and the following discussion, the Applicant respectfully submits that none of these claims now pending in the application are anticipated under the provisions of 35 U.S.C. § 102 or obvious under the provisions of 35 U.S.C. § 103. Furthermore, the Applicant also submits that all of these claims now satisfy the requirements of 35 U.S.C. §112. Thus the Applicant believes that all of these claims are now in allowable form.

Rejections

A. 35 U.S.C. § 112

The Examiner rejected claim 29 under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement. The Examiner alleges that the claim contains subject matter which was not described in the specification in such a way to reasonably convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention. The Examiner specifically states that the limitation of "wherein the adjustment values for said apparatus further comprise at least an optimal speed of rotation for reading from and writing to an inserted optical recording medium" is not defined in the specification.

In response, the Applicant has herein cancelled claim 29. Having done so, the Applicant respectfully submits that the basis for the Examiner's rejection of claim 29 has been removed and respectfully requests that the Examiner's rejection to claim 29 be withdrawn.

B. 35 U.S.C. § 112

The Examiner rejected claim 39 under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement. The Examiner alleges that the claim contains subject matter which was not described in the specification

in such a way to reasonably convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention. The Examiner specifically states that the limitation of "means for selecting" is not defined in the specification.

In response, the Applicant has herein cancelled claim 39. Having done so, the Applicant respectfully submits that the basis for the Examiner's rejection of claim 39 has been removed and respectfully requests that the Examiner's rejection to claim 39 be withdrawn.

C. 35 U.S.C. § 112

The Examiner rejected claim 33 under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The Examiner specifically states that claim 1 recites the limitation "the adjustment" in the second line of the claim and that there is insufficient antecedent basis for this limitation in the claim.

In response, the Applicant has herein amended claim 33 to no longer recite the limitation "the adjustment" in the second line of the claim but to instead now recite the limitation "said determined adjustment values" which refers to the determined adjustment values claimed in the Applicant's claim 31 from which claim 33 depends. Having done so, the Applicant respectfully submits that the basis for the Examiner's rejection of claim 33 has been removed and respectfully requests that the Examiner's rejection to claim 33 be withdrawn.

D. 35 U.S.C. § 102

The Examiner rejected claims 22-24, 27-35 and 37-39 under 35 U.S.C. § 102(b) as being anticipated by Bakx (U.S. Patent 5,072,435). The rejection is respectfully traversed.

The Examiner alleges that regarding claim 22, Bakx discloses a method comprising all of the aspects of the Applicant's invention. The Applicant respectfully disagrees.

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim"

(Lindemann Maschinenfabrik GmbH v. American Hoist & Derrik Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1983)) (emphasis added).

The Applicant submits that the Bakx reference fails to teach, suggest or disclose each and every element of at least the invention as recited in the Applicant's claim 22, which specifically recites:

> "A method for reducing an initialization time of an apparatus for reading from and/or writing to an optical recording medium, said optical recording medium having identification data which enables the identification of the optical recording medium individually among at least optical recording media of the same type, the method comprising:
>
> reading the identification data of an optical recording medium inserted into said apparatus to identify said optical recording medium;
>
> **determining if adjustment values associated with parameter values for reading from and writing to the identified optical recording medium** are accessibly stored for said apparatus;
>
> in response to identifying stored adjustment values for said apparatus, setting control and regulating circuits of said apparatus in accordance with the stored adjustment values; and
>
> in response to determining that adjustment values for said apparatus are not accessibly stored, initializing said apparatus to determine respective adjustment values for the control and regulating circuits of said apparatus such that said apparatus is able to optimally read from and write to the identified optical recording medium, and respectively storing said determined adjustment values for said apparatus and the corresponding identification data of said identified optical recording medium;
>
> **wherein the identification data of the inserted optical recording medium is read by said apparatus before said apparatus reaches a read readiness state.**" (emphasis added).

The Applicant's invention is directed at least in part to multiple embodiments of methods and apparatuses for reducing an initialization time of an apparatus for **reading from and/or writing** to an optical recording medium. In the invention of the Applicant, an optical recording medium inserted into an apparatus is identified and the operating parameters of the apparatus are set to previously stored operating parameters associated with the optimal operation of the identified optical recording medium in the apparatus. In support of the Applicant's invention, at least as claimed by the Applicant's claim 1 recited above, the Applicant in the Specification, specifically recites:

> "In the event of repeated use of the DVD-ROM disc 1, the control unit 4 will ascertain from the identification information items read, by means of a comparison with the list of already known discs which is stored in the

> memory 5, that the same DVD-ROM disc 1 has already been identified previously and the optical read unit 2 has been correspondingly adjusted. The control unit 4 thereupon reads out the adjustment parameter values stored for the identification information items of the corresponding DVD-ROM disc 1 in the memory 5 and uses them as start values for the adjustment of the optical read detection unit 2." (See Applicant's Specification, page 8, line 36 through page 9, line 9).

The Applicant, in the Specification, further recites:

> "It goes without saying that the apparatus shown in Figure 1 need not exclusively be a read apparatus, rather, instead of the optical read unit 2, it is also possible to use a combined optical write/read unit or just an optical write unit, so that it is possible to write to and/or read from the optical recording medium 1 used in each case." (See Applicant's Specification, page 9, lines 29-35).

It is clear from at least the portions of the Applicant's disclosure presented above that in the Applicant's invention, optimal adjustment parameter values for various mechanisms of an apparatus for reading from and writing to an optical recording medium are determined and stored for the respective optical recording medium. That is, the Applicant teaches that upon first insertion of an optical recording medium into the apparatus, diverse adjustment steps have to be performed in order to set control or regulating circuit parameters. Such control and regulating circuit parameters include, for example, parameters for the focus or tracking regulation, the parameters "focus gain" "focus offset", "track gain", "track offset" or "HF gain" for optimal reading from and writing to the optical recording medium. (See Applicant's Specification, page 8, lines 17-22).

The determined adjustment parameter values for the various mechanisms of the apparatus are then subsequently recalled when the same optical recording medium is again inserted into the apparatus. As such, the apparatus does not require a full initialization procedure for a previously inserted optical recording medium and a total initialization time for optimizing an apparatus for reading from and recording to the optical recording medium is reduced.

The Applicant respectfully submits that there is absolutely no teaching, suggestion or disclosure in Bakx for a method for reducing an initialization time of an apparatus for reading from and/or writing to an optical recording medium including at least "determining if adjustment values associated with parameter

values for **reading from and writing to the identified optical recording medium** are accessibly stored for said apparatus" and "in response to identifying stored adjustment values for said apparatus, setting control and regulating circuits of said apparatus in accordance with the stored adjustment values" and "initializing said apparatus to determine respective adjustment values for the control and regulating circuits of said apparatus such that said apparatus is able to optimally read from and write to the identified optical recording medium" as taught in the Applicant's Specification and claimed in at least the Applicant's new replacement claim 22.

More specifically, in contrast to the invention of the Applicant, Bakx teaches an information recording device which adjusts its recording parameters to the record carrier to be recorded. In Bakx, an information recording device has write means for providing a record carrier with information patterns. The write means in Bakx are adjustable for recording different information patterns. The optimum setting are determined on the basis of the recorded information patterns and stored in a memory with identification data. After a record carrier has been loaded into the information recording device the occurrence of adjustment data for the relevant combination of a record carrier and an information recording device is detected in the memory and the write means is adjusted accordingly and no new calibration procedure is performed. However, there is absolutely no teaching, suggestion or disclosure in Bakx for at least the reading aspect of the Applicant's invention. Specifically, Bakx only teaches optimizing a recording aspect of a recording device and fails to teach, suggest or anticipate the teachings and claims of the Applicant's invention for optimizing the reading aspect of an apparatus for reading from and writing to an optical recording medium.

That is, Bakx absolutely fails to teach, disclose or suggest the reading aspect of the Applicant's invention and as such fails to teach, suggest or disclose a method for reducing an initialization time of an apparatus for reading from and/or writing to an optical recording medium including at least "determining if adjustment values associated with parameter values for **reading from and writing to the identified optical recording medium** are accessibly stored for said apparatus" as taught in the Applicant's Specification and claimed in at least the Applicant's claim 22. More specifically, in the Final Office Action, the Examiner cites col. 5, lines 31-

43 of Bakx for anticipating the limitation "determining if adjustment values associated with parameter values for **reading from and writing to the identified optical recording medium** are accessibly stored for said apparatus" of the Applicant's invention. However, col. 5, lines 31-45 of Bakx specifically recites:

> "FIG. 2 is a flow chart of a program for determining and storing the adjustment data in the case that the record carrier is provided with a record carrier identification, and the identification data and the associated adjustment data are stored in the memory 12 of the information recording device.
>
> The flow chart includes an initial step A11 in which a record carrier identification which may be present on the record carrier is read under control of the control unit 5. Under control of the control unit 5, the read/write head 3 is then moved to a record carrier area intended for recording the record carrier identification code. In a step A12, it is ascertained whether adjustment data has been stored in the memory 12 for the record carrier identification read. If this is so a step A13 is carried out, in which the driver circuit 8 is adjusted in conformity with the adjustment data associated with the record carrier identification code read."

As clear from the portions of Baks presented above, in Bakx the "adjustment data" is only related to the "driver circuit 8" being adjusted in conformity with the adjustment data. The "driver circuit 8" of Bakx "converts the recording signal into a drive signal for the read/write head" (3/35~37). Bakx discloses several examples of adjustment parameters, namely "intensity", "field strength", "pulse width", "speed", all clearly linked exclusively to writing to a record carrier. Hence, in Bakx, the adjustment data are at best associated with parameter values for writing to a recording medium. Thus the Applicant maintains that Bakx absolutely fails to teach, suggest or anticipate "determining if adjustment values associated with parameter values for **reading from and writing to the identified optical recording medium** are accessibly stored for said apparatus" as taught in the Applicant's Specification and claimed in at least the Applicant's claim 22. The teachings of Bakx only refer to writing.

Even further, the Applicant respectfully submits that Bakx absolutely fails to teach, suggest or anticipate that "the identification data of the inserted optical recording medium is read by said apparatus before said apparatus reaches a read readiness state" as taught in the Applicant's Specification and claimed by at least

the Applicant's claim 22. In support of at least claim 22, the Applicant in the Specification specifically recites:

> "After the insertion of the DVD-ROM disc 1, the "BCA data area" of the DVD-ROM disc 1 is read by an optical read unit/detection means 2. This BCA data area uniquely identifies the respectively inserted DVD-ROM disc 1, so that the respectively inserted DVD-ROM disc 1 can be individually inferred by the evaluation of the BCA data area. The use of the BCA data area for identifying the DVD-ROM disc 1 is advantageous since this comprises relatively coarse structures and can be read very easily by the read apparatus. All that is necessary is for the objective lens of the optical read unit 2 to be coarsely focused by corresponding focus regulation, while track regulation is not necessary since the BCA data area is very large in relation to the scanning beam of the optical read unit and lies in a specific diameter region of the DVD-ROM disc 1. Consequently, the scanning beam of the optical read unit 2 merely has to be moved to this specific diameter region of the DVD-ROM disc 1, preferably into the centre of the said region." (See Applicant's Specification, page 7, lines 19-38).

As previously recited, the Applicant's invention is directed at least in part to methods and apparatuses for reducing the initialization time of an apparatus for reading from and writing to an optical recording medium. As recited above, the Applicant specifically discloses that the identification data of a recording medium is recorded such that the identification data can be read very easily by the read means of the apparatus. All that is necessary is for the objective lens of the optical read unit to be coarsely focused by corresponding focus regulation, while track regulation is not necessary since the BCA data area is very large in relation to the scanning beam of the optical read unit and lies in a specific diameter region of the optical recording medium, and as such, the identification data can be read before the apparatus reaches a read readiness state. The Applicant specifically recites such a feature for further reducing the initialization time of the apparatus.

The Applicant respectfully submits that there is absolutely no teaching, suggestion or disclosure in Bakx for at least that "the identification data of the inserted optical recording medium is read by said apparatus before said apparatus reaches a read readiness state" as taught in the Applicant's Specification and claimed by at least the Applicant's claim 22. In fact, Bakx assumes that the recording device is in the read readiness state in order to perform the reading of the information data of the recording carrier and the recorded information patterns.

As such, the teachings of Bakx specifically teach away from the invention of the Applicant.

More specifically, in the Final Office Action, the Examiner cites col. 6, lines 34 -35, steps A11, A12, and A14 of Bakx for anticipating the limitation "the identification data of the inserted optical recording medium is read by said apparatus before said apparatus reaches a read readiness state" of the Applicant's invention. However, col. 6, lines 34-35 of Bakx specifically recites:

> "After the step A13 recording of the signal Vi can be started under optimum conditions in a step A18."

As clear from the portions of Baks presented above, in Bakx the recording of the signal is started only under optimum conditions. The Applicant respectfully submits that merely because Bakx teaches that after step A13 the recording of the signal is started under optimum conditions, that does not mean that Bakx teaches or anticipates that "the identification data of the inserted optical recording medium is read by said apparatus before said apparatus reaches a read readiness state" as taught in the Applicant's Specification and claimed by at least the Applicant's claim 22. In fact, Bakx is totally silent as to how the identification data of the inserted optical recording medium is read and silence does not rise to the level of anticipation. The teachings of Bakx in (5/31~61) and (6/34~35) as pointed out by the Examiner do not teach or suggest anything on the readability of signals involved.

The Applicant submits that none of the example parameters mentioned in Bakx (intensity, field strength, pulse width, speed) influences the ability to **read**, some of them do not even exist (as adjustable parameters, that is) in reading. In particular, none of these parameters influences the positioning of the read/write head relative to the information track. Nowhere does Bakx touch aspects of focusing and/or tracking as taught in the Applicant's invention. In marked contrast to the invention of Bakx, The Applicant's invention upholds adjustment parameters like focus gain, focus offset, track gain, track offset, and HF gain, of which it is clear to any expert in the field, that they directly influence **reading as well as writing**. The Applicant submits that such parameters are aptly described as

"parameter values for reading from and writing to the identified optical recording medium".

As such and at least because the teachings of Bakx teach away from the invention of the Applicant and because Bakx fails to teach, suggest or disclose at least each and every element of the Applicant's claimed invention, arranged as in the claim as required for anticipation, the Applicant respectfully submits that the teachings and disclosure of Bakx do not anticipate the Applicant's invention, at least with respect to claim 22.

Therefore, the Applicant submits that for at least the reasons recited above independent claim 22 is not anticipated by the teachings of Bakx and, as such, fully satisfies the requirements of 35 U.S.C. § 102 and is patentable thereunder.

Likewise, independent claims 31 and 38 recite similar relevant features as recited in the Applicant's independent claim 22. As such, the Applicant submits that for at least the reasons recited above independent claims 31 and 38 are also not anticipated by the teachings of Bakx and also fully satisfy the requirements of 35 U.S.C. § 102 and are patentable thereunder.

Furthermore, dependent claims 23-24, 27-28, 30, 32-35 and 37 depend either directly or indirectly from independent claims 22 and 31 and recite additional features therefor. As such and for at least the reasons set forth herein, the Applicant submits that dependent claims 23-24, 27-28, 30, 32-35 and 37 are also not anticipated by the teachings of Bakx. Therefore the Applicant submits that dependent claims 23-24, 27-28, 30, 32-35 and 37 also fully satisfy the requirements of 35 U.S.C. § 102 and are patentable thereunder.

The Applicant reserves the right to establish the patentability of each of the claims individually in subsequent prosecution.

E. 35 U.S.C. § 103

The Examiner rejected claim 25 under 35 U.S.C. § 103(a) as being unpatentable over Bakx in view of Scibora (U.S. Patent 6,366,544). The rejection is respectfully traversed.

The Examiner applied Bakx for the rejection of claim 25 as applied above for the rejection of claim 22. As described above and for at least the reasons described above, Bakx fails to teach, suggest or anticipate the Applicant's, claim

22. As such, the Applicant respectfully submits that at least because Bakx fails to teach, suggest or anticipate the Applicant's claim 22, Bakx also fails to teach, suggest, anticipate or make obvious the Applicant's claim 25, which depends directly from claim 22 and recites additional features thereof.

In addition, the Applicant submits that the teachings of Scibora fail to bridge the substantial gap between the Applicant's claim 22 and the teachings of Bakx. More specifically, Scibora teaches a universal compact disc (CD) player having the ability to decode and play an encoded audio file residing on a CD, regardless of the particular encoding algorithm used to encode the audio file. However, Scibora absolutely fails to teach, suggest, anticipate or make obvious at least a method for reducing an initialization time of an apparatus for reading from and/or writing to an optical recording medium including at least "determining if adjustment values associated with parameter values for **reading from and writing to the identified optical recording medium** are accessibly stored for said apparatus" and that "the identification data of the inserted optical recording medium is read by said apparatus before said apparatus reaches a read readiness state" as taught in the Applicant's Specification and claimed in at least the Applicant's claim 22.

As such, and at least because any combination of Bakx and Scibora fail to teach, suggest, anticipate or make obvious the Applicant's claim 22 for at least the reasons described above, the Applicant further submits that Bakx and Scibora, alone or in any allowable combination, also fail to teach, suggest, anticipate or make obvious the Applicant's claim 2, which depends directly from the Applicant's claim 22.

Therefore, the Applicant submits that dependent claim 25, as it now stands, fully satisfies the requirements of 35 U.S.C. § 103 and is patentable thereunder.

The Applicant reserves the right to establish the patentability of each of the claims individually in subsequent prosecution.

F. 35 U.S.C. § 103

The Examiner rejected claims 26 and 36 under 35 U.S.C. § 103(a) as being unpatentable over Bakx in view of Shim (U.S. Patent 6,608,804). The rejection is respectfully traversed.

The Examiner applied Bakx for the rejection of claims 26 and 36 as applied above for the rejection of claims 22 and 31. As described above and for at least the reasons described above, Bakx fails to teach, suggest or anticipate the Applicant's claims 22 and 31. As such, the Applicant respectfully submits that at least because Bakx fails to teach, suggest or anticipate the Applicant's claims 22 and 31, Bakx also fails to teach, suggest, anticipate of make obvious the Applicant's claims 26 and 36, which depend directly from claims 22 and 31, respectively, and recite additional features thereof.

In addition, the Applicant submits that the teachings of Shim fail to bridge the substantial gap between the Applicant's claims 22 and 31 and the teachings of Bakx. More specifically, Shim teaches a disk having unique code for identifying its type for optical disk player and method for discriminating types thereof. In Shim, a BCA (Burst Cutting Area) code including a unique disk code indicating the type of a disk is written in a BCA code area of the disk. If the disk is mounted into the optical disk player, the optical disk player reads data written in the BCA code area, extracts the disk code contained in the read data, and confirms the type of the disk corresponding to the extracted disk code by retrieving a disk code table in which disk codes corresponding to the types of disks are mapped. However, Shim absolutely fails to teach, suggest, anticipate or make obvious at least a method for reducing an Initialization time of an apparatus for reading from and/or writing to an optical recording medium including at least "determining if adjustment values associated with parameter values for **reading from and writing to the identified optical recording medium** are accessibly stored for said apparatus" and that "the identification data of the inserted optical recording medium is read by said apparatus before said apparatus reaches a read readiness state" as taught in the Applicant's Specification and claimed by at least the Applicant's claims 22 and 31.

As such, and at least because any combination of Bakx and Shim fail to teach, suggest, anticipate or make obvious the Applicant's claims 22 and 31 for at least the reasons described above, the Applicant further submits that Bakx and Shim, alone or in any allowable combination, also fail to teach, suggest, anticipate or make obvious the Applicant's claims 26 and 36, which depend directly from the Applicant's claims 22 and 31, respectively.

Therefore, the Applicant submits that dependent claims 26 and 36, as they now stand, fully satisfy the requirements of 35 U.S.C. § 103 and are patentable thereunder.

The Applicant reserves the right to establish the patentability of each of the claims individually in subsequent prosecution.

Conclusion

Thus the Applicant submits that none of the claims, presently in the application, are anticipated under the provisions of 35 U.S.C. § 102 or obvious under the provisions of 35 U.S.C. § 103. Furthermore, the Applicant also submits that all of these claims now satisfy the requirements of 35 U.S.C. §112. Consequently, the Applicant believes that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion, it is respectfully requested that the Examiner telephone the undersigned.

No fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account No. 07-0832.

Respectfully submitted,

Dietmar Uhde

By: _____

Jorge Tony Villabon, Attorney
Reg. No. 52,322
(609) 734-6445

Patent Operations
Thomson Licensing Inc.
P.O. Box 5312
Princeton, New Jersey 08543-5312

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